

REMARKS

Status of the Claims

Claims 1-7, 9-16, 19-27, 29-46, 68, and 69 are currently pending in the present application. Claims 8, 17, 18, 28, and 47-66 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

Claims 1, 2, 4, 19-21, 24, 25, 29-31, and 34 have been amended. Representative support for amendments to the claims can be found in original claims 1, 2, 4, 17, 21, and 28.

Claims 68-71 are new, and representative support can be found in original claims 1, 2, 19, 24, and 28.

These claims do not introduce prohibited new matter and do not introduce new issues requiring further search and consideration.

Declaration

The Office Action alleges that the supplemental declaration submitted on January 4, 2008, changes the name of one or more inventors without a proper petition and required fee. The Office Action also alleges that the instant application is a Continuation-In-Part of the parent application and therefore requires another new oath or declaration because the supplemental declaration submitted on January 4, 2008, is not proper.

Applicants respectfully point out that the supplemental declaration, submitted on January 4, 2008, does not change the name of any inventors because "Alyce Linthurst" is Mrs. Alyce Linthurst Jones' maiden name. Although her name is typed out as "Alyce Linthurst" on the declaration submitted in the parent application (09/660,422, now U.S. Patent 6,743,574), she formally signed both the original declaration submitted in the parent application and the declaration submitted on January 4, 2008, as "Alyce Linthurst Jones" (see attached declarations). Accordingly, the supplemental declaration submitted on January 4, 2008, is proper.

Moreover, the supplemental declaration, submitted on January 4, 2008, is a new declaration containing all the inventors' signatures. Thus, it is respectfully requested that the objection to the declaration as being defective be withdrawn.

Rejection Under 35 U.S.C. § 112

Claims 1-7, 9-16, 19-27, 29-46 and 67 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 1, 2, 4, and 29-31 as suggested by the Examiner. Applicants respectfully request that this rejection be withdrawn, in view of the amendments.

Rejections Under 35 U.S.C. § 103(a)

A. Claims 1-4, 12-16, 19-27, 29-46, and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,376,244 (Atala), in view of U.S. Patent No. 6,024,735 (Wolfmberger '735).

B. Claims 1-7, 9-16, 19-27, 29-46, and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Atala, in view of Wolfmberger '735, and further in view of U.S. Patent No. 6,432,712 (Wolfmberger '712).

Atala, does not teach each of the steps of the claimed method. In particular, the method of Atala does not disclose the use of a storage solution comprising a water replacement agent.

The Office Action incorrectly contends that "distilled water, physiological buffer and culture media are considered to read on water replacement agents." As described in original claim 21, a water replacement agent is an agent that "replaces water in the base matrix structure of soft tissue and provides the hydrating functions of water in the tissue."

Neither Wolfmberger '735 nor Wolfmberger '712 individually or together overcomes the deficiencies of Atala because Wolfmberger '735, and Wolfmberger '712 also do not disclose such an agent and do not teach storing a washed extracted tissue in a storage solution comprising a water replacement agent as in the claimed invention. Accordingly, Atala, Wolfmberger '735, and Wolfmberger '712 taken alone or together do not render the claimed invention obvious.

Applicants respectfully request that the rejections of the claims under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

The foregoing amendments and remarks are being made to place the application in

condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
Morgan, Lewis & Bockius LLP

/Sally Teng/

Date: May 12, 2009
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Sally P. Teng
Registration No. 45,397

Docket No.
LN.028

Declaration and Power of Attorney For Patent Application
English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on September 12, 2000 as United States Application No. or PCT International
Application Number 09/660,422
and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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Reg. No: 33,247

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LIFENET

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Full name of sixth inventor, if any	Date
Sixth inventor's signature	
Residence	
Citizenship	
Post Office Address	



COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

ATTORNEY DOCKET NO.: 067949-5019-01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCESS FOR DEVITALIZING SOFT-TISSUE ENGINEERED MEDICAL IMPLANTS, AND DEVITALIZED SOFT-TISSUE MEDICAL IMPLANTS PRODUCED

The specification of which:

is attached hereto; or

was filed as United States application Serial No. 10/694,190 on October 28, 2003 and was amended on _____ (if applicable); or
 was filed as PCT international application Number _____ on _____ and was amended under PCT Article 19
 On _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office information which is material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate or Section 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

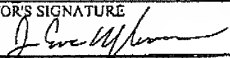
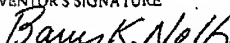
PRIOR FOREIGN APPLICATION(S):

COUNTRY (if PCT, indicate PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Combined Declaration for Patent Application and Power of Attorney - (Continued) (includes Reference to PCT International Applications) ATTORNEY DOCKET NO: 067949-5019-01					
I hereby claim the benefits under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below.					
U.S. PROVISIONAL APPLICATIONS					
U.S. PROVISIONAL APPLICATION NO.			U.S. FILING DATE:		
I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or Section 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of claims presented in this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT:					
U.S. OR PCT INTERNATIONAL APPLICATIONS		STATUS (Check One)			
APPLICATION NO.	FILING DATE	PATENTED	PENDING	ABANDONED	
09/660,422	09/12/2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.					
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Listing of Inventors Continued on attached page(s): ☒ Yes ☐ No

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Listing of Inventors Continued on attached page(s): ☐ Yes ☒ No